

1 BILL NO. R-91-08-35

2 RESOLUTION NO. Q-50-91

3 A RESOLUTION OF THE COMMON COUNCIL OF THE  
4 CITY OF FORT WAYNE, INDIANA URGING THE  
5 INDIANA ALCOHOLIC BEVERAGE COMMISSION AND  
6 THE ALCOHOLIC BEVERAGE BOARD OF ALLEN  
7 COUNTY TO RECONSIDER AND/OR ESTABLISH A  
8 POLICY REGARDING THE SALE OF ALCOHOLIC  
9 BEVERAGES IN GROCERY STORES AND DRUG  
10 STORES WITHIN THE CITY OF FORT WAYNE, TO  
11 REQUIRE THAT THE LOCATION WHERE ALCOHOLIC  
12 BEVERAGES ARE DISPLAYED AND SOLD BE  
13 PHYSICALLY SEPARATED AND SEGREGATED FROM  
14 THE REMAINDER OF THE STORES.

15 WHEREAS, a package liquor store selling beer, wine, and  
16 liquor shall conduct said business wholly apart from another  
17 business, wholly separated from another room or store in which  
18 another business is conducted, pursuant to I.C. 7.1-3-10-8;  
19 and

20 WHEREAS, the Alcoholic Beverage Commission may issue a  
21 beer dealer's permit to an applicant who is a proprietor of a  
22 drug store or grocery store, pursuant to I. C. 7.1-3-5-2; and

23 WHEREAS, the Indiana Alcoholic Beverage Commission may  
24 issue a liquor dealer's permit to the proprietor of a drug  
25 store who holds a license issued by the State Board of  
26 Pharmacy, pursuant to I.C. 7-1.-3-10-2; and

27 WHEREAS, the Indiana Alcoholic Beverage Commission may  
28 issue a wine dealer's permit to the holder of a beer dealer's  
29 permit or a liquor dealer's permit, pursuant to I.C. 7.1-3-15-  
30 2; and

31 WHEREAS, pursuant to said statutes, and depending on the  
32 type of permit, beer and wine are presently being sold in  
33 grocery stores, and beer, wine and liquor are being sold in  
34 drug stores; and

35 WHEREAS, the Common Council of the City of Fort Wayne,  
36 Indiana acknowledges that the Indiana Alcoholic Beverage  
37 Commission has specific powers and duties pursuant to Indiana  
38 Codes 7.1-2-3-4 and 905 IAC 1-2-1 et. seq.; and

39 WHEREAS, the Common Council further acknowledges that the  
40 Alcoholic Beverage Board of Allen County, pursuant to I.C.  
41 7.1-2-4-1, is regulated by the Indiana Alcoholic Beverage  
42 Commission as to its procedures and investigations as  
43 addressed in I.C. 7.1-2-3-21; and

44 WHEREAS, pursuant to 905 IAC 1-27-4, the Indiana  
45 Alcoholic Beverage Commission upon application for a new  
46 permit or upon application for a transfer of a location of an  
47 existing permit, (whether a beer dealers permit, liquor  
48 dealer's permit, or wine dealer's permit), may consider but is  
49 not limited to the following factors:

- 50 1). The need for such services at the location of the  
51 permit;  
52 2). The desire of the neighborhood or the community to  
53 receive such service;  
54 3). The impact of such services on other business in the  
55 neighborhood or community; or  
56 4). The impact of such services on the neighborhood or  
57 community; and



WHEREAS, there is currently only one drug store chain operating in the City of Fort Wayne holding a permit to sell beer, liquor, and wine which maintains the following:

- 1). A segregated section of the drug store for the sale of alcoholic beverages;
- 2). A separate ingress and egress to this segregated section;
- 3). A separate cash register restricted to the sale of alcoholic beverages within said section; and
- 4). The utilization of register clerks who are specially licensed by the State to sell alcoholic beverages; and

WHEREAS, the Common Council believes that the display and sale of liquor, beer and wine in drug stores and grocery stores where these alcoholic beverages are not separated from the remainder of the premises of said stores has a negative impact on the community of the City of Fort Wayne, in that minors in drug stores and grocery stores have greater access to beer, liquor and wine.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. The Common Council of the City of Fort Wayne, Indiana acknowledges that the Indiana Alcoholic Beverage Commission and the Alcoholic Beverage Board of Allen County have specific powers and duties granted by state legislation.

SECTION 2. The Common Council of the City of Fort Wayne urges the Indiana Alcoholic Beverage Commission and the Alcoholic Beverage Board of Allen County to:

- 1). Deny a new beer dealers permit to an applicant who is the proprietor of a drug store or grocery store;
- 2). Deny a new liquor dealer's permit to the proprietor of a drug store who holds a license by the State Board of Pharmacy;
- 3). Deny a new wine dealer's permit to the holder of a beer dealers permit or a liquor dealer's permit who is the proprietor of a drug store or grocery store; and
- 4). Deny a new permit to sell beer, wine and liquor to an applicant who is the proprietor of a drug store or grocery store and holding a permit to only sell two of said beverages

unless the applicant for said permits operating a drug store or grocery store within the City of Fort Wayne will maintain:

- 1). A segregated section of the store for the sale of alcoholic beverages;
- 2). A separate ingress and egress to this segregated section;
- 3). A separate cash register restricted to the sale of alcoholic beverages within said section; and
- 4). The utilization of register clerks who are specially licensed by the State to sell alcoholic beverages; and
- 5). A policy which prohibits access by minors into said segregated section of the store.

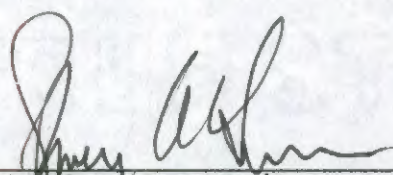


PAGE THREE

SECTION 3. That this Resolution shall be in full force and effect from and after its passage.

  
COUNCILMEMBER

APPROVED AS TO FORM  
AND LEGALITY.

  
Stanley A. Levine  
Legal Advisor to  
Fort Wayne Common Council



Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by Bradbury, and duly adopted, placed on its passage. PASSED ~~LAST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>1</u>		<u>1</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>		<u>✓</u>		
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>				<u>✓</u>
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 8-27-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. D-50-91 on the 27th day of August, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

BILL NO. R-91-08-25

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON \_\_\_\_\_ TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) \_\_\_\_\_

Sale of Alcoholic Beverages  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Bradbury  
Schmidt  
David Long  
Edmonds

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 8-27-91.

Sandra E. Kennedy  
City Clerk